

REMARKS

The Examiner is thanked for acknowledging the receipt of the priority papers that were submitted under
5 35 U.S.C. §119.

Claim 15 was objected to as being dependent upon a rejected base and would likely be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. In response,
10 new claim 32 is being submitted which is original claim 15 in independent form. For this reason, favorable consideration and allowance of claim 32 is requested.

The Examiner noted that a reference should be inserted in the specification to recite that the present
15 application is a national stage application of PCT/EP04/033191 filed March 26, 2004 that was filed within 30 months of the priority date of earlier Italian Application Serial No.: MI2003A 000919, filed May 7, 2003, with a request under Section 371. For this reason, it is
20 respectfully pointed out that the present specification does not have to amend to point out that the application claims the benefit of the earlier filed PCT application. See MPEP §1893.03(c)III (last four lines).

In paragraph 6 of the Office Action, claim 16
25 was rejected under 35 U.S.C. § as being an improper claim. In response, claim 15 has been canceled and new claim 28

points out a method of poisoning mice or rats which comprises providing a composition as defined in claim 1 in areas where there are mice and rats. This claim is in proper statutory form and it is requested that this
5 ground of rejection not be applied against new claim 28.

In paragraph 11 of the Office Action, claims 1-13 and 16 were rejected under 35 U.S.C. §102(a) as being unpatentable over Baker in view of Maruyama et al. (Maruyama) and Endepols et al. (Endepols). Claim 14 was rejected under 35 U.S.C. §102(a) as being unpatentable over Baker in view of Maruyama and Endepols in view of Aeschlimann.
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Reconsideration is requested.

Claim 1-16 have been canceled and new claim 17
15 has been presented as the main claim. New claim 17, now refers only to the composition wherein the vegetable oil is palm oil in order to point out the non-obviousness of the invention as compared to the cited prior art.

In fact, the selection of the exclusive use of palm oil
20 for use in a rodenticidal baits is novel over the list of the different vegetable oils (and blends thereof) employed in the cited references. It is known that a low iodine number means a lower number of double bonds in the oil molecules and consequently a higher stability to oxidation and to rancidity. It means also a reduced forma-
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tion of aldehydes and secondary by-products starting from the fatty matter and the active principle contained in the bait.

Thus, one of ordinary skill in the art would not 5 be directed to select a vegetable oil having an iodine number (48 to 53), which is possessed by palm oil, based on the cited prior art.

The technical problem solved by the invention is to provide improved rodenticidal bait with a high palat-10 ability and stability, and a better consistency.

Maruyama disclose rodenticidal compositions comprising a rodenticidal active principle, a vegetable powder and a metallic salt of a higher fatty acid e.g. alkali(earth) metallic salt of mixed higher fatty acids ob-15 tained by the saponification of beef tallow, lard, coco-nut oil, palm oil or peanut oil etc. There is no suggestion to use the oil *per se* in the Maruyama patent.

Baker mentions fish oil, maize, peanut and soy-bean oil but does not suggest or mention the use of palm 20 oil. Endepols mentions that rapeseed oil, peanut oil, corn oil may be used in rodenticide baits but does not mention the use of palm oil.

Claim 1, and the claims that are dependent on claim 1, point out a rodenticide which always contains 25 palm oil. Nothing in the prior art teaches the use of

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palm oil in a rodenticide. The data in the present application at page 20 points out that palm oil has the lowest iodine number which only the present applicant has disclosed as being capable of providing a rodent bait in a 5 palatable form for an extended period of time, thus making the bait unexpectedly better.

As the skilled person would not be directed to select palm oil among the possible alternative vegetable oils, the claimed rodenticide is unobvious. For these 10 reasons, it is requested that the rejections of record be withdrawn.

New claim 31 is dependent on claim 17 and it points out a preferred embodiment where the oil is palm oil. Claim 31 is patentable over the cited prior art for 15 the reasons set forth above.

An early and favorable action is earnestly solicited.

Respectfully submitted,

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